

1 Chief Judge Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) NO. CR06-157 MJP
11 v.)
12 HENRY C. ROSENAU,) [PROPOSED]
13 Defendant.) ORDER CONTINUING
14) TRIAL AND SETTING NEW
15 PRETRIAL MOTIONS DATE

This matter having come on before the undersigned Court on motion of the Government for a continuance of the trial date, and the Defendant having opposed the motion,

The Court having considered the files and records herein, and the Status Report Regarding the Mutual Legal Assistance Treaty filed by the government, and having considered the law,

Now therefore makes the following findings of fact:

1. Essential witnesses continue to be unavailable to testify in the trial as currently scheduled; however, it appears likely that the witnesses will become available, pursuant to a Mutual Legal Assistance Treaty Request which has been submitted to, and accepted by, Canada.

2. It appears that the unavailability of the witnesses may be cured within a reasonable period of time, albeit not by the March 19, 2012, trial date.

3. The processing of the Mutual Legal Assistance Treaty Request is within control of the government of Canada.

4. The United States believes the Request will be processed and the witnesses likely will be available within 30 days of the current trial date of March 19, 2012.

5. The time period necessary for the processing of the Mutual Legal Assistance Treaty is excludable time, up to one year, pursuant to Title 18, United States Code, Section 3161(h)(8).

NOW therefore, the Court makes the following Conclusions of Law:

1. The government has made a request pursuant to a Mutual Legal Assistance Treaty, and as required in Title 18, United States Code, Section 3292, for evidence from a foreign country;

2. The trial is continued from March 19, 2012 until _____, 2012.

3. The time between the previously-scheduled trial date of March 19, 2012, and the new trial date of _____, 2012 is hereby excluded from the speedy trial calculation under the Speedy Trial Act and is within the allowable one year time limit. Therefore, the speedy trial statute is tolled from March 19, 2012, until _____, 2012.

DATED this _____ day of February, 2012.

MARSHA J. PECHMAN
Chief Judge, United States District Court